

1-8-02

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ATTORNEY'S DOCKET NO.  
069312.0106

PATENT APPLICATION

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APPLICATION FOR U.S. PATENT UNDER 37 C.F.R. § 1.53(b)  
TRANSMITTAL FORM



Box Patent Application  
ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of:

Inventor: Sunny C. Vanderbeck, et al.

Entitled: SYSTEM AND METHOD FOR MULTI-SITE CLUSTERING IN A  
NETWORK

Enclosed are:

- ☒ Specification, Claims and Abstract ( 50 Total Pages)  
☒ Drawing(s) ( 5 Total Sheet(s) of ☒ Formal ☐ Informal)  
☒ Combined Declaration and Power of Attorney  
    ☒ Newly executed (original or copy)  
    ☐ Copy from a prior application  
        (for continuation/divisional only)  
☒ An Assignment of the invention to Data Return Corporation is attached. A separate  
cover sheet in compliance with 37 C.F.R. § 3.28 and § 3.31 is included with an  
Assignment recordal fee of \$40.00 pursuant to 37 C.F.R. § 1.21(h).  
☐ Information Disclosure Statement (IDS) PTO-1449 (        page)  
           Copies of IDS Citations.  
☐ Preliminary Amendment (        page)  
☒ Non-Publication Request Under 35 U.S.C. 122(b)(2)(B)(i) ( 1 page)  
  
☒ Certificate of Mailing  
☒ Return Receipt Postcard

Applicant is:

- ☐ Large Entity  
☒ Small Entity  
    ☒ Small Entity Statement enclosed  
    ☐ Small Entity Statement filed in prior application.  
    Status still proper and desired.

Express Mail Receipt: EL 500927487 US

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PATENT APPLICATION

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The accompanying application is:

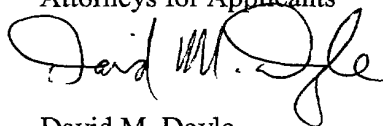
☒ Original.  
☐ Continuation ☐ Divisional ☐ Continuation-In-Part (CIP)  
of prior application No. \_\_\_\_\_ which is hereby incorporated by reference therein.

FEE CALCULATION					FEE
	Number		Number Extra	Rate	Basic Fee
					\$ 370.00
Total Claims:	56	56 - 20 =	36	36X \$9=	\$ 324.00
Independent Claims	6	6 - 3 =	3	3 X \$42 =	\$ 126.00
TOTAL FILING FEE =					\$ 820.00

☒ Enclosed is a check in the amount of **\$820.00** to satisfy filing fee requirements under 37 C.F. R. § 1.16.

☒ Please charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P. **A duplicate copy of this sheet is enclosed.**

Respectfully submitted,  
BAKER BOTTS L.L.P.  
Attorneys for Applicants



David M. Doyle  
Reg. No. 43,596

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Dated: October 19, 2001

Attorney's Docket No.: 069312.0106

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Sunny C. Vanderbeck, et al.  
Date Filed: October 19, 2001  
Title: SYSTEM AND METHOD FOR MULTI-SITE CLUSTERING  
IN A NETWORK

BOX PATENT APPLICATION

Honorable Commissioner of  
Patents and Trademarks  
Washington, DC 20231

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Patent Application (50 pages, including Specification, Claims and Abstract), Nonpublication Request, Verified Statement Claiming Small Entity Status, Declaration and Power of Attorney, 5 sheets of Formal Drawings, Assignment Recordation Form and Assignment, a check in the amount of \$40.00 to cover the Assignment recordal fee, Fee Transmittal Sheet, a check in the amount of \$820.00 to cover the patent application filing fee, and this Certificate of Mailing are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on this 19th day of October, 2001 and are addressed to the Honorable Commissioner for Patents, Washington, DC 20231.



Willie Jiles

Express Mail Receipt: EL 500927487 US  
Attorney's Docket No.: 069312.0106

FOR "5055E001"

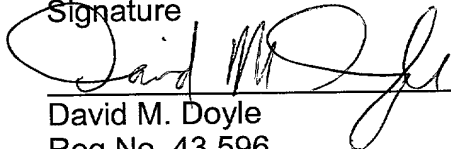
<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>	First Named Inventor	Sunny C. Vanderbeck, et al.
	Title	System And Method For Multi-Site Clustering In A Network
	Atty Docket Number	069312.0106

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

BAKER BOTTS L.L.P.  
Attorneys for Applicants

October 19, 2001  
Date

Signature  
  
David M. Doyle  
Reg No. 43,596

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

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